

07-21-2005 10:38am

From-SHUMAKERSTECKBAUERWEINHART

2132292875

T-467 P.002/003 F-708

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E-filed 7/21/05

6 Attorneys for Defendant
 7 IRELAND SAN FILIPPO, LLP

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 SYNOPSIS, LLC, a Nevada Limited Liability
 12 Company,

13 Plaintiff,

14 v.

15 EVERGREEN DATA SYSTEMS, INC., a
 16 California corporation, BRUCE R.
 17 MCALLISTER, STEVEN J. DEMARTINI,
 18 IRELAND SAN FILIPPO, LLP, a California
 limited liability partnership, and DOES 1
 through 10, inclusive,

19 Defendants.

Case No. C 05-01524 JF

STIPULATION TO WITHDRAW
 IRELAND SAN FILIPPO, LLP'S
 MOTION TO DISMISS FOR FAILURE
 TO ALLEGE FACTS SUFFICIENT TO
 STATE A CLAIM UPON WHICH
 RELIEF MAY BE GRANTED (FRCP
 12(B)(6))

Date: July 22, 2005
 Time: 9:00 a.m.
 Dept: 3, 5th Floor
 Judge: Jeremy Fogel

20
 21
 22 WHEREAS, defendant Ireland San Filippo, LLP ("ISP") has filed a Motion to
 23 Dismiss for Failure to Allege Facts Sufficient To State A Claim Upon Which Relief May Be
 24 Granted, which is currently scheduled to be heard on July 22, 2005.

25 WHEREAS, on July 13, 2005, this Court has granted defendants Evergreen Data
 26 Systems, Inc.'s, Bruce R. McAllister's, and Steven J. Demartini's Motion to Dismiss with leave to
 27 amend.
 28

33670006/306899v1

Case No. C 05-01524 JF

STIPULATION TO WITHDRAW IRELAND SAN FILIPPO, LLP'S MOTION TO DISMISS

07-21-2005

10:38am

From-SHUMAKERSTECKBAUERWEINHART

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T-461

P.003/003

F-708

1 WHEREAS, Plaintiff Synapsis, LLC ("Plaintiff") has informed ISP that it intends
2 to file an amended complaint containing new allegations concerning ISP.

3 WHEREAS, ISP and Plaintiff wish to conserve the parties' and judicial resources
4 by agreeing to allow ISP to withdraw ISP's pending Motion to Dismiss, currently scheduled for
5 hearing on July 22, 2005;

6 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff
7 Synapsis, LLC and defendant Ireland San Filippo, LLP, through their respective counsel, as
8 follows:

- 9 1. ISP's Motion to Dismiss is hereby withdrawn.

10 Dated: July 8, 2005

STEIN & LUBIN LLP

11 By: 

12 Manuel A. Martinez
13 Attorneys for Defendant
14 IRELAND SAN FILIPPO, LLP

15 Dated: July 21, 2005

Law Offices of Jeffrey F. Sax

16 By: 

17 Jeffrey F. Sax
18 Attorneys for Plaintiff
19 SYNAPSIS, LLC

20 **ORDER**

21 Pursuant to the Stipulation of the parties and good cause appearing,

22 IT IS SO ORDERED.

23 DATE: 7/21/05

/s/electronic signature authorized

24 The Honorable Jeremy Fogel
25 Judge, United States District Court

26 33670006/306899v1

Case No. C 05-01524 JF

27 STIPULATION TO WITHDRAW IRELAND SAN FILIPPO, LLP'S MOTION TO DISMISS
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